

REMARKS

The Non Final Office Action mailed December 31, 2007, has been received and reviewed. Applicants respectfully request reconsideration of the present Application. Claims 1 and 9 have been amended herein. Care has been exercised to introduce no new matter. Reconsideration of the pending application in view of the amendments and the following remarks is respectfully requested. Claims 1-33 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 101

Claims 1-15 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claim 1 has been amended to read, in part: “A compiling system embodied on a computer readable medium for compiling a markup language” Claim 9 has been amended in a similar manner.

Claims 1 and 9 have been amended to more clearly recite an article of manufacture. Claims 2-8 and 10-16 depend from claims 1 and 9, respectively. As such it is respectfully submitted that claims 1-15 are directed to statutory subject and withdrawal of the 35 U.S.C. § 101 rejection of the claims is respectfully requested. Claims 1-15 are believed to be in condition for allowance and such favorable action is respectfully requested.

Rejections based on 35 U.S.C. § 102(e)

A. Applicable Authority

“A claim is anticipated only if each and every elements as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.3d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...

claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1336, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP §2131.

B. Anticipation rejections based on Ramani et al. U.S. Patent Application Publication 2004/0172617, (hereinafter Ramani)

Claims 1-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0172617 to Ramani. The rejection of claim 1-33 is now considered moot.

Applicants provide with the Response a courtesy copy of a “Petition to Claim Benefit under 35 U.S.C. 120, 121, or 365(c) of a Prior Copending Nonprovisional Application or International Application Designating the United States of America” under 37 C.F.R. 1.78(a)(3), filed March 31, 2008. Applicants now claim priority to application serial no. 10/377,313, now U.S. Patent No. 7,120,618, which shares at least one common inventor with the current application.

Accordingly, upon granting of the Petition, U.S. Patent Application Publication No. 2004/0172617 (now U.S. Patent No. 7,120,618) cited by the Office will no longer be considered prior art to the present application. As such, the Applicants respectfully submit that the rejection of claims 1-33 as being anticipated by Ramani will be moot, and the pending claims 1-33 are in condition for allowance.

CONCLUSION

For at least the reasons stated above, upon entry of the above amendments, claims 1-33 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or ahale@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due with this amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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